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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/183,621	10/30/1998	MARTIN LIVESEY	49658-025	3358

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EXAMINER

GOOD JOHNSON, MOTILEWA

ART UNIT PAPER NUMBER

2672

DATE MAILED: 11/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/183,621

Applicant(s)

LIVESEY, MARTIN

Examiner

Motilewa A. Good-Johnson

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-7,9-14,16 and 18-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-7,9-14,16 and 18-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to the following communications: application, filed on 10/30/1998; Amendment A, filed on 09/25/2000; Appeal Brief, filed on 08/22/2001; Amendment B, filed on 02/27/2002; Request for reconsideration, filed on 09/04/2002.
2. Claims 2-7, 9-14, 16 and 18-25 are pending. Claims 2, 3, 7, 9, 10, 13, 16, 18 have been amended. Claims 21-25 have been added.
3. The present title of this application is "Aperiodic Tiling of Textured Images" (as originally filed).

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily

published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 2-7, 9-14, 16 and 18-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Glassner's Notebook, Aperiodic Tiling, IEEE Computer Graphics and Applications, May/June 1998, pages 83-90.

As per independent claims 2, 3, 9 and 10, Glassner discloses on page 85, aperiodic tiling in computer graphics for texture patterns; Glassner discloses on page 85, a covering of an area in an aperiodic tiling pattern with tiles from image; col. 7, lines 44-57; scanning one or more images into memory. However, it is noted that Glassner fails to implicitly disclose scanning one or more texture images into memory. It is inherent that in performing an aperiodic tiling for a texture pattern, the texture pattern would be downloaded from memory.

With respect to dependent claims 4, 11 and 12, Glassner discloses on page 84, covering a patch with aperiodic control curves based on an aperiodic patch of a texture image.

With respect to dependent claim 5, Glassner discloses on page 86, generating a tiling based on aperiodic tiling pattern covering the target area and mapping the texture tiles.

With respect to dependent claim 6, Glassner discloses on page 87, rotating and flipping the tiles orientation, which is changing the shape of the control points for the control, curve.

As per independent claims, 7 and 13, Glassner discloses on page 85, aperiodic tiling in computer graphics for texture patterns; Glassner discloses on page 85, a covering of an area in an aperiodic tiling pattern with tiles from image; col. 7, lines 44-57; scanning one or more images into memory. However, it is noted that Glassner fails to implicitly disclose using a computer aided drawing program. It is inherent that in performing an aperiodic tiling in computer graphics, would include computer aided drawing programs.

With respect to dependent claim 14, Glassner discloses on page 87, rotating and flipping the tiles orientation, which is changing the shape of the control points for the control curve.

As per independent claims 16 and 18, Glassner discloses on page 86, using aperiodic tiling in computer graphics, which would imply using a display screen; a target area; figure 3, element 346, memory; figure 6, surface patches or tiles having a selected region, and selecting an aperiodic control pattern.

With respect to dependent claims 21-25, Glassner discloses on page 87-88, variations of the tiling pattern, which constitutes control of periodicity by the aperiodic/periodic selection.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2672

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Motilewa A. Good-Johnson whose telephone number is (703) 305-3939. The examiner can normally be reached on Monday - Friday 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi can be reached on (703) 305-4713. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Motilewa A. Good-Johnson  
Examiner  
Art Unit 2672

mgj  
November 15, 2002



**MICHAEL RAZAVI**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**